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Attorney for Defendant  
United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

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FRIENDS OF THE CRAZY  
MOUNTAINS, a public land  
organization; MONTANA CHAPTER  
BACKCOUNTRY HUNTERS AND  
ANGLERS, a non-profit organization;  
ENHANCING MONTANA'S  
WILDLIFE AND HABITAT, a public  
outreach organization; SKYLINE  
SPORTSMEN'S ASSOCIATION, a non-  
profit organization,

Plaintiffs,

vs.

MARY ERICKSON, in her official  
capacity as Forest Supervisor for the  
Custer Gallatin National Forest;  
LEANNE MARTEN, in her official  
capacity as Regional Forester, Region  
One, for the U.S. Forest Service; VICKI

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CV 19-66-BLG-SPW-TJC

DECLARATION OF KATHY  
NASH

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CHRISTIANSEN, in her official capacity as chief of the U.S. Forest Service; THE UNITED STATES FOREST SERVICE, a federal agency; THE UNITED STATES DEPARTMENT OF AGRICULTURE, a federal department,  Federal Defendants.	
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I, Kathy Nash, in accordance with the requirements of 28 U.S.C. § 1746 declare as follows:

1. I am employed by the Forest Service as the Lands Program Manager for the Custer Gallatin National Forest. I have been employed in this position since 2015, and with the Forest Service since 1992. I have researched the records on the Forest pertaining to access on the Porcupine Lowline Trail #267 and the North Fork Elk Creek Trail #195. I found both hardcopy and electronic files pertaining to the trails. I summarized information to provide a background of the issues surrounding these trails.

2. The Crazies were first reserved from the Public Domain as the Crazy Mountain Forest Reserve in 1906 and became part of the Absaroka National Forest in 1908. In approximately 1943, this area became part of the Gallatin National Forest. The interior of the Crazies is extremely rugged and beautiful with lakes, knife edge ridges, cliffs and talus above timber line.

3. The Porcupine Lowline Trail is shown on the 1925 Absaroka National Forest Map and on subsequent Forest maps including the current Forest visitor map. The trail location changes on these maps over time. *See Exhibit 1.*

4. Historic trail logs from the late 1960's to early 1990's show that both trails were being maintained (logged out, blazed, and signed). Around the late 1970's and early 1980's trail reports show that trail is difficult to follow, need signing, trail goes through logged area and at least a dozen trees across the trail, no trail tread in several areas. By the late 1990's reports show difficulty in finding the location of the porcupine trail and a variety of maintenance and resource problems.

5. In 2002, the Ranger District records show the first complaints about landowners trying to close the Porcupine Lowline trail to public use, specifically "Private Property, No Trespassing" signs within the private section 15.

6. The first of a series of meetings between the District Ranger and the landowners began in 2004. Correspondence between the landowners and the Forest Service continued through the spring of 2005 with the release of the Draft EIS for the Travel Management Plan. The landowners provided comment on the travel plan and ultimately appealed the decision. Appeal resolution meeting notes

and the 2007 Declaration by Bob Dennee, acknowledged that the Forest Travel Plan, in and of itself does not establish nor perfect access rights.

7. In 2009, records show the landowners have constructed a barrier to prevent use of trail and continued to post the area as private property, no trespassing. The District Ranger requested that the landowners remove the barriers and attempted to negotiate easements but the landowners did not cooperate. Public use of the trail is not recommended until a public easement is acquired (2010 Archuleta notice).

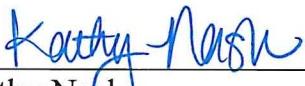
8. In 2010, the USFS reiterated in a notice to the public that Forest Service has proposed relocating portions of Trail #267 where possible to minimize impacts on private land. The negotiation had been unsuccessful but the USFS commits to continuing to seek resolution.

9. From 2013 until 2017, correspondence shows the District Rangers attempts to reach resolution with the landowners. In 2014, the landowner states he is willing to work with the Forest Service on Trail 195 to Elk Creek, but is going leave the **gates locked**, allowing access beyond that point on a permissive basis until issues are resolved regarding public access.

10. In 2017, Mary Erickson begins a series of meetings with landowners that eventually culminates in a tentative easement donation and trail relocation that has potential to resolve the long standing access dispute. This solution was developed relying on years of work in the Travel Plan, and Roads and Trails EA aimed at providing quality recreation opportunities and resolving longstanding access issues.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1764, that the foregoing is true and correct.

Dated this 9<sup>th</sup> day of July, 2019 in Bozeman, MT, USA.

  
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Kathy Nash  
Lands Program Manager, Custer Gallatin  
National Forest